<u>LISTING OF THE CLAIMS:</u>

1. (currently amended) A method for data backup, comprising the steps of:

receiving a request from a subscriber server for backing up at least one data increment which was previously transmitted <u>without a separate prior backup request and operation</u> between said subscriber server and ~~at least one service provider;~~ <u>a remote destination through a provider server</u> identifying said at least one data increment;

checking said at least one ~~service~~ provider <u>server</u> ~~access server~~ to determine if it has a copy of at least a portion of the identified data increment or can regenerate or replicate at least a portion of the identified data increment; and

backing up the data increment using the copy or regenerated or replicated portion from the ~~access~~ <u>provider</u> server if it is found.

2. (currently amended) The method of claim 1, wherein the step of identifying at least one data increment includes:

evaluating <u>at least</u> one of a data stamp, time stamp, sequence number, source address, URL and checksum of the data increment at the subscriber server; and

sending an identifier for each identified data increment to a service provider data backup server.

3. (currently amended) The method of claim 2, wherein the <u>service provider includes plural servers that monitor and copy data having specified properties determined to be indicative of data likely to be subject to said request from a subscriber.</u> ~~step of checking at least one service provider access server is conducted by the service provider data backup server~~.

4. (currently amended) The method of claim 1, wherein if the at least one service provider ~~access~~ server has the copy or regenerated or replicated portion of the identified data increment, a

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checksum is computed to determine if the subscriber server copy contains the same data as the copy or regenerated or replicated portion.

5. (original) The method of claim 1, wherein if a copy is sent from the subscriber server after the checking step, back up is delayed for a time period.

6. (original) The method of claim 1, wherein the step of backing up includes backing up the data increment to a service provider data backup server.

7-11. (canceled)

12. (currently amended) A system comprising:

means for receiving a request from one of plural a subscriber ~~server~~ servers for backing up at least one data increment which was previously transmitted between said one subscriber server and at least one service provider access server;

means for identifying said at least one data increment;

means for checking said at least one service provider access server to determine if it has a copy of at least a portion of the identified data increment or can regenerated or replicate at least a portion of the identified data increment; and

means for backing up the data increment using the copy or regenerated or replicated portion from the access server if it is found, wherein the service provider comprises plural access servers connected by a first network, and wherein said plural subscriber servers are connected by a second network .

13. (currently amended) The method of claim 12 ~~1~~, further comprising a step of using a copy sent from the subscriber server after the checking step if it has not found a copy of at least a portion of the identified data increment or can regenerate or replicate at least a portion of the identified data increment and wherein said second network and said first network are connected

by a communications medium having either a higher cost or lower bandwidth than said first network.

14. (currently amended) The method of claim 13, further comprising means for backing up the data increment using a copy sent from the subscriber server after the checking step if it has not found a copy of at least a portion of the identified data increment or can regenerate or replicate at least a portion of the identified data increment.

15. (new) A system including a backup computer configured to and capable of backing up data from a subscriber computer comprising instructions for first ascertaining whether said data from a subscriber to be backed up is contained within a computer connected to said backup computer over a first local area network and if so, backing up said subscriber data from said computer connected to said first local area network, and if not, communicating with said subscriber computer over a communications channel to back up the data from a computer connected to a second local area network.

16. (new) The system claim 15 wherein the communications channel is of a lower bandwidth than said first local area network.

17. (new)The system of claim 15 wherein the data is a data increment.

18. (new) The system of claim 15 wherein computers connected to said backup computer over said first local area network provide services to said subscriber computer.

19. (new) The system claim 15 wherein said computers connected to said backup computer over said first local area network include at least one of a web server, an email server, and FTP server, a gateway, and a firewall for providing corresponding services to said subscriber computer.

20. (new) The system of claim 19 wherein at least one of said computers connected to said backup computer over said first local area network is configured to monitor communications

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between said subscriber and a remotely located destination, and to selectively cause data contained within said communications to be backed up by itself or at least one of said computers connected to backup computer by said first local area network.